

**SCHIFF HARDIN LLP**

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Attorneys for Plaintiff

G.G. Marck & Associates, Inc.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

G.G. Marck & Associates, Inc.,

Plaintiff,

v.

James Peng, Photo U.S.A.  
Corporation, North American  
Investments Corp., and Photo USA  
Electronic Graphic, Inc.,

Defendants.

Case No. C 07 80222 MISC

**G.G. MARCK'S NOTICE OF  
MOTION AND MOTION TO  
COMPEL DEFENDANTS'  
DEPOSITIONS (DEBTOR  
EXAMINATIONS) AND  
PRODUCTION OF DOCUMENTS**

DATE: April 25, 2008

TIME: 9:00 a.m.

JUDGE: Hon. Jeffrey White

1 TO ALL PARTIES AND THEIR COUNSEL OF RECORD:  
 2 **PLEASE TAKE NOTICE** that on April 25, 2008, at 9 a.m. or as soon thereafter  
 3 as counsel may be heard, in Courtroom 2 of the above-captioned Court, located at  
 4 450 Golden Gate Avenue, California, 94102, plaintiff and judgment creditor G.G.  
 5 Marck & Associates, Inc. ("G.G. Marck") will, and hereby does, move this Court  
 6 for an Order compelling defendants and judgment debtors James Peng, Photo  
 7 U.S.A. Corporation, and North American Investments Corporation, ("defendants")  
 8 each to appear for their noticed depositions and that each defendant produce  
 9 documents at least five court days before their deposition.

10 G.G. Marck brings this motion pursuant to Rules 30, 37, and 69 of the  
 11 Federal Rules of Civil Procedure.

12 This motion is based upon this notice and motion, the memorandum of points  
 13 and authorities, separate statement, and declaration of Jeffrey V. Commisso filed  
 14 herewith, and on any pleadings and records presently on file in this action and such  
 15 other evidence and argument as the Court may consider at the time of the hearing  
 16 on this matter.

17 Pursuant to Rule 37(a), G.G. Marck seeks its reasonable expenses incurred in  
 18 making this motion in the amount of \$2,000.

21 Dated: March 7, 2008

**SCHIFF HARDIN LLP**

By: 

Jeffrey V. Commisso  
 Attorneys for Plaintiff  
 G. G. Marck & Associates, Inc.,

26 35323-0000  
 27 SF9101136.1

**PROOF OF SERVICE**

I, the undersigned, declare:

I am a citizen of the United States and I am a resident of the State of California and over the age of eighteen (18) years, and not a party to the within action. I am an employee of Schiff Hardin LLP, and my business address is One Market, Spear Street Tower, Thirty Second Floor, San Francisco, California 94105.

On the date below, I served a copy of the within document(s):

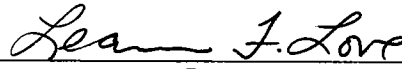
**G.G. MARCK'S NOTICE OF MOTION AND MOTION TO COMPEL  
DEFENDANTS' DEPOSITIONS (DEBTOR EXAMINATIONS) AND  
PRODUCTION OF DOCUMENTS**

☒ **BY U.S. MAIL:** By placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at San Francisco, California addressed as set forth below. I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business.

Daniel R. Richardson  
Richardson Intellectual Property Law  
870 Market Street, Suite 615  
San Francisco, CA 94102  
Phone: (415) 291-8900  
Fax: (415) 291-8391

*Attorneys for Defendants James Peng,  
Photo U.S.A. Corporation, North  
American Investments Corp. and Photo  
USA Electronic Graphic, Inc.*

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on March 7, 2008, at San Francisco, California.

  
Leann F. Love

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